App. F. IX-4

1930.3
(Law)

File No. 82-30

Serial Nos. 11—14.

Previous References
Law 82-30-5-10
82-30-3-4
82-30-1-2

Later References
Law 83-30-15-18
" 82-30-19-22

(12)

General and Revenue Secretariat.

Serial Nos. Jom

Part B for November 1931

SUBJECT.

Interpleader suit re. the box of ~~jewels~~ Valuables deposited in the Sira Taluk Treasury by one Brinda Madhavachar of Sira.

---

14) To Mr D.C. Tumkur dis

No. P 3000 dt. 28-11-31

Returns the draft plaint as revised by the present P.P., Bangalore and requests to take necessary action.

Mr. Nasir Azeez
2. xii. 31

1341

General and Revenue Secretariat | Law File No. 82 of 193 D. | [App. F. III—2

Serial No. 11

Letr no. A.9.c. 1416/30-31 dated 5th nov 1931 from the DC. Tumkur forwarding for appn a dft plaint received from the PPr B'lore in the matter of filing an interpleader suit re: the box of valuables belonging to the late Bindu Madhavachar, and informing that the Cost of the suit will be intimated after hearing from the PPr.

1) Kind reference is invited to para 5 of the note in Law file 82/30 sl. 5-10. Dft plaint is subt for scrutiny and appn

TSD 14/11

2) Since the Suit has to be filed by the present Public Prosecutor of Bangalore, the ~~Dft~~ draft plaint prepared by his predecessor, Mr Vijaya Deva, alongwith the connected records may, I think, be first sent to him for such revision as he deems fit to make and resubmission of approval the same for orders of govt.

Open Copy) BNP 16/11

3) Yes 1824 14/10

4) Dft BNP 14/11

5) Dft put up

TSD 16/11

6) Issue as re-drafted

BNP 16/11

Issued no. P. 2819 dy 17.11.31.

GENERAL SECRETARY 14 NOV. 1931 No. 27223

Hy 9

16. NOV. 1931 3-45 P.M. SECTION L. & REV. SECTT.

Sec A

NOTE—Contn. Sheet.

TSD 18/11

BNP 18/11

WD 70—GBPM—60,000—13-8-31.

2

File No. of 193 General and Revenue Secretariat

From the P. Pr Blue

342/31-32 of 20.11.31

Forwarding the revised plaint for approval together with the original records.

1) The revised plaint Contains the necessary particulars required by Rule 1 of order XXXV of C.P.C., and seems to be in order. The plaint is to be got signed by C Tunker before it is presented to the Court subj for final

TSD 24/4

2) The draft plaint as revised by the present Pr is in order & may be appd. It will be returned alongwith the records to the D.C. Tunkur for taking further action.

Gen Secy

T Member

DMP 24/11

24/11

DMP 24/11

9) [illegible] 25/11

DMP 25/4

Dft returning pers. up.

SD 28.11

Issue

To, The D.C. Tunkur

Nos. 20.11.31 returning the dft plaint as revised by the Presidt. Pr. Blue and [illegible]

DMP 27.4

SD. DMP

GENERAL SECRETARY 24 NOV 1931 No. 3709

OFFICE OF THE FIRST MEMBER OF [illegible] 24 NOV. 1931 No. 3888

TYPING SEC. 27 NOV. 1931 GENL. & REV. SECTT.

No. A.1.C. 1410/30-31

Enc. One Hdwy

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 5th November *193*1

Law 82-30-11

FROM

N. Sundararaja Iyengar, Esquire, B.A.,

Deputy Commissioner,
Tumkur District, Tumkur.

To

H.V. Ramasvami, Esquire, M.A.,B.L.,

Secretary to the Government of Mysore,
General
Department,
Bangalore.

GENERAL SECRETARY
7 NOV 1931
No.

SIR,

With reference to your letters Nos. 3935/ Law 82-30-2 dated 7-1-1931 and P. 6669/Law 7 dated 13th April 1931, I have the honor to submit herewith for favour of obtaining approval of Government a draft plaint received from the Public Prosecutor in the matter of filing an inter-pleader suit re: the box of valuables deposited in the Sira Taluk Treasury by Bindu Madhavachar.

The cost of filing the suit will be intimated to Government on receipt of the information called for from the Public Prosecutor to whom a reminder has this day been issued.

I have the honor to be,
sir,
Your most obedient servant,

For Deputy Commissioner,
Tumkur District.
(Absent from the station).

AD.5/11.

GPB

192 .

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No

No 182/31-32
encl 1 bill

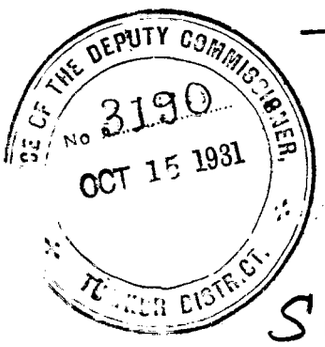
Bangalore
10.10.31

From

The public prosecutor,
Bangalore

To

The Deputy Commissioner,
Tumkur



Sir,

Re. Interpleader suit to be filed against the heirs of the late Brind Madhvacharya of Sira

R. 836
Bangalore
15-10-31

I have the honour to forward herewith the draft plaint in the above case for your approval and submitting the same to the General Secretary for his approval according to Rule for the conduct of Legal Affairs of Government may be treated as very urgent.

The [redacted] records are sent herewith the receipt of which may kindly be acknowledged.

I have the honour to be,
Sir,
Your most obedient Servant,

B. N. Udupa
Public prosecutor
Bangalore

Cases 82-30-12

P 2819 are Records

To, The P.C.x, Bangalore

9/7/34

Sir,

I am directed to state that the C. Tumkur has sent in, for favour obtaining the approval of Govt, a draft plaint in the matter of an interpleader suit re: the box of valuables deposited in the Sira Sub Treasury by Bindu Madhavacharya. The draft was prepared by your predecessor in office Mr Vijaya Deva & submitted to the D.C. Tumkur under rule 83 of the Rules for the Conduct of legal affairs of Govt as pointed out in this Office letter No P 2071/Law dated 9th Oct 1931.

Since the suit has now to be filed by you in the Sub Ct Bangalore, I am to forward herewith the draft plaint as resubmitted after effecting such revision as you may think necessary to make, with the connected records for the same.

I have
DMP
9.7.34

Appendix F G—1]

SUBJECT .....

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.....

Section

File No.

Serial No.

Diary No. of letter replied to ..... No

To the Public Prosecutor

B'Law

General and Revenue Secretariat

)

the *193* .

Sir,

I am direct

Date of issue .....

state that the D.C. Tumkur has s

to forward herewith ~~the~~ ~~draft~~ ~~plaint~~ for favour of obtaining approval of the Competent

a draft plaint together with records

said to have been submitted to him by your predecessor in

Signed by ..... received from the D.C. Tum

in the matter of filing c

interpleader Suit re: the l

of valuable deposited in t

Since the said draft has been prepared by your predecessor Mr. Vijaya Deva & Sira Taluk Treasury by t

Bindu Madhavacha (*) and

List of enclosures ..... request that the same

kindly be scrutinised and re

mitted for approval of G

Copied by ..... at a very early date

I have

Examined by .....

for sent

(SD) illegible

WD 71—GPBM—40,000—20-7-31.

4

No.P.2819 dt 17.11.31

16th November 1931.

The

The Public Prosecutor,

Bangalore.

I am directed to state that the Deputy Commissioner, Tumkur has sent in, for favour of obtaining the approval of Government, a draft plaint in the matter of an interpleader suit re: the box of valuables deposited in the Sira Taluk Treasury by Bindu Madhavachar. The draft was prepared by your predecessor in office Mr.Vijaya Deva and submitted to the Deputy Commissioner, Tumkur under rule 83 of the Rules for the conduct of legal affairs of Government as pointed out in this office letter No.P.2071/Law dated 9th October 1931.

Since the suit has now to be filed by you in the Sub Court, Bangalore, I am to forward herewith the draft plaint along with the connected records for early resubmission after effecting such revision as you may find it necessary to make, in the same.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSD

BNL.2.

2169
of 31

No. 342/31-32
encl 1 file

Office of the Public Prosecutor,
Bangalore Division.

Dated, Bangalore 20th November 1931.

Law 62-30-13

From

The Public Prosecutor,
Bangalore Division, BANGALORE.

GENERAL SECRETARIAT
20 NOV 1931
No. Law

To

The Secretary to the Government
of H. H. The Maharaja of Mysore,
General Department, BANGALORE.

Sir,

In the matter of the Interpleader Suit to be filed by the Deputy Commissioner, Tumkur District, against the heirs of late Bindu Madhavachar of Sira.

With reference to your letter No.P.2819/Law. dated the 17th instant, I have the honor to forward herewith the revised Plaint for your approval and return. The Original records are sent herewith for your reference and return.

I have the honor to be,

Sir,

Your most obedient servant,

Public Prosecutor.

Office of H. M. Public Prosecutor,
Temperance Division.

Dated, Hampstead 25th November 1921

Prior

The Public Prosecutor,
Ramsbury Division, HAMPSHIRE

Sir,

The Secretary to the Government
of H. M. The Viceroy of Lilywore;
General Department, RAWSALD S.

In the matter of the Intercepted Cri-
to be filed by the Deputy Commis-
sioner, Trumbur District, regarding
the Heirs of late Sirdar Radhavachar

With reference to your letter No. C.Sp1/Ter. dated the 17th instant, I have the honor to forward herewith the revised report for your approval and return. The original records are sent herewith for your reference and return.

I have the honor to be,

obedient servant,

In the Court of the Sub-judge at Bangalore

O.S. No. 131-32

Plaintiff

Government of Mysore
represented by its Agent
the Deputy Commissioner
Tumkur District,
Tumkur

Defendants

(1) Saraswathamma
aged 60 years widow
of Bindu Madhavachar
Madhwa Brahmin
residing at Siva, Tumkur District

(2) Sreenivasachar aged 42 years
Son of Gopalachar
Madhwa Brahmin residing
at Siva

(3) Venkamma aged 25 years
widow of Gururaja char
and daughter of
Bheemasena char Madhwa
Brahmin residing at Siva

(4) Nagaraja aged 25 years
Son of Seshachar, Madhwa
Brahmin, residing at
Kolar Town.

Under order VII rule 1 and order 35 rule 1
of the civil procedure code

The plaintiff abovenamed ~~plaintiff~~ begs to
state as follows:

2. one Bindu Madhwa char, a resident of Siva, Tumkur District had deposited in the Taluk Treasury of Siva for safe custody a sealed box alleged to have contained gold and silver jewels. on 27-9-1917, along with a petition to the Amildar of Siva which is produced herewith.

3. the plaintiff learns that the said Bindu Madhwa char died on or about 31st December 1917 and since then, defendants 1 to 4 and 4 others as the deceased's representatives have been submitting petitions individually to the Amildar of Siva and to his superior officers about the disposal of the box in dispute with contents there of. the defendants could not come to any definite understanding between them and were not willing to execute jointly a receipt in favour of plaintiff and also to give indemnity bond / surety bond to plaintiff according to law as required by plaintiff, though notices were given to them. the box of jewells has therefore been in deposit in Government Treasury as unclaimed. the four others, Seshachar, Krishna murthi, Nagubayamma and Gurumaya char have been since dead. the plaintiff learns that the 4th defendant

That the fourth defendant is the only son of the deceased Seshachar and that the other deceased persons have left no heirs behind them. The defendants 1 to 4 are the widow, brother's son, brother's daughter-in-law and another brother's son respectively of the deceased Bunder Madhvachar who was the depositor of the said box jewels in the Government Treasury

4. The plaintiff has a right to claim upon the property in suit detention fee calculated at the rate of Re 1 per month from 27.9.1917 till he is released from the custody of the said box of jewels in deposit and also costs of this suit as a charge and by sale of the sufficient part of the jewels deposited according to law. The plaintiff is ready and willing to deliver the box of jewels in suit to such of the persons as may be declared entitled to receive the same as between the defendants as adjudicated by this Honourable Court

5. From the local enquiries made the plaintiff learns that the said box contains jewels of gold and silver worth about Rs 5000

9

6 The Cause of action arose at Siva since 31st December 1917 within the jurisdiction of this court

7. The value of the suit for the purpose of jurisdiction is Rs 5200 and for the purpose of Court fee is Rs 322/- and the plaint is ~~is~~ Stamped with Court fee of Rs 36/- accordingly

8. The plaintiff claims no interest in the subject matter of the suit other than the afore said charges and Cost of the suit. There is no collusion between the plaintiff and the defendants and each of the defendants claims exclusive right to the subject matter in dispute alleging that he is the preferential heir against the rest. plaintiff is ready to place the box of jewels in suit in the custody of this Honourable court whenever he is ordered to do so during the pendency of the suit

9. The plaintiff prays for judgment against defendants as follows:-

For directing the delivery of the said box to such of the defendants that are

that are found entitled to receive the box of jewels in the suit after investigation of the respective claims of defendants and that plaintiff is discharged from all liabilities to the defendants in respect of the said box of jewels in suit (Value of Court fee Rs 150)

2. For ordering the real claimant to give indemnity bond and surety bond for the value of jewels in suit to the Government according to law (Value of Court fees Rs 10/-)

3. plaintiff's detention claim in respect of the said box at the rate of Re 1 from 31.12.1917 till date of suit is Rs 164- and also detention fee subsequent to suit ~~till~~ till order for the deposit of the box in court and also costs of this suit from the defendants as well as charge on the contents of the box and by sale of the sufficient portion of the jewels in suit and such other reliefs as plaintiff may be entitled to.

V. Vella

I the abovenamed plaintiff do declare that is stated above

is true to the best of my knowledge
and belief and information.

Appendix F G—1]

SUBJECT .....

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Section Law

File No. 823

Serial No. 64

Diary No. of letter replied to .....

No. 3000 one + Records

To The D.C. Tumkur

Sir,

General and Revenue Secretariat

( )

the *193* ..

With reference to Your letter no. A.D.C. 1410/30-31 dated 5th May 1931, I am directed to return herewith duly approved the draft plaint as revised by the Presidency Public Prosecutor in the matter of filing an interpleader suit re: the box of valuables deposited in the Sira Taluk Treasury by Bindu Madhavachar, and to request that further necessary action may kindly be taken early. The entire file of records is herewith returned. I have etc

Date of issue 28/11/31

Signed by Mr Sly

List of enclosures .....

Copied by .....
27/11/31.

Examined by .....

ISO 27/11

for Secretary to Government